

Robert C

Mail No.: EM 061 024 473 US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: GATELY &amp; PRESKY

Application No.: 09/232,522

Group Art Unit: 1644

Filed: January 19, 1999

Examiner: Custer, T.

For: ANTIBODIES AGAINST  
HUMAN IL-12

Attorney Docket No.: 1803-246

**STATEMENT OF ATTORNEY FOR APPLICANTS REGARDING  
PERMANENCE AND AVAILABILITY OF DEPOSITED HYBRIDOMAS**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, attorney for the Applicants in the above-captioned application, declare and

state:

1. That I represent the inventors and Hoffmann-La Roche, Inc., having a place of business at 340 Kingsland Street, Nutley, New Jersey 07110-1199, present assignee of the application.

2. That hybridoma cell lines producing antibodies designated 5F2, 16F2, 16G2 and 20E11 were deposited with the American Type Culture Collection (ATCC) 10801 University Boulevard, Manassas, Virginia 20110-2209 on December 11, 1997, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure on behalf of Hoffmann-La Roche, Inc. The deposited hybridoma cell lines were assigned ATCC accession numbers HB-12446, HB-12447, HB-12449 and HB-12448, respectively.

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3. I hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the hybridoma cell lines referred to in paragraph 2 have been removed, and that upon issuance of a United States patent of which such hybridoma cell lines are the subject, such removal will become irrevocable; (b) the hybridoma cell lines will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of the deposited material was received by the ATCC and, in any case for a period of at least 30 years after the date of deposit; (c) should the deposits become non-viable they will be replaced by the Applicants; and (d) access to the hybridoma cell lines will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such hybridoma cell lines under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

Respectfully submitted,

Date December 16, 1999

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